

### REMARKS

Claims 1-9, 13, 15-17, and 18-20 are pending, prior to entry of this Amendment. Claims 18-20 are currently withdrawn from consideration due to a prior Restriction Requirement. By way of this Amendment, claims 1, 4, 5, 7, and 16 have been amended, and claim 6 has been canceled. No new matter has been added.

#### Rejection Under 35 USC 112, first paragraph

Claims 1 and 17 are rejected under 35 USC 112, first paragraph. More particularly, the recitation of solvates is objected to. Reference to solvates has been removed from the claims by amendment. Note, the claims drawn to the composition of the compound of formula (I), and salts thereof, would still be infringed by any solvate that includes the recited compounds or salts. With the amendments, the rejection has been overcome.

#### Rejection Under 35 USC 103(a)

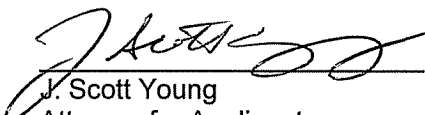
Claims 1-9, 15-17 are rejected under 35 USC 103(a) as being unpatentable over Hobbs et al. US 6,887,889 in view of Rajagopal et al.; Thathagar et al. or Gallon et al. Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Hobbs et al. US 6,887,889 in view of Janssen et al. US 3,097,209.

Applicants make no admissions with regard to the propriety of the 35 USC 103 rejection. However, to expedite prosecution, the claims have been amended to even further distance the claimed compounds from those of the cited art. More particularly, claims 1 and 16 have been amended to recite that substituent "m" equals "1" in each amended claim and each claim depending therefrom. Additional amendments have been made to conform the claims to the amendments made in claims 1 and 16, or in order to otherwise correct minor non-substantive errors in the claims.

Conclusion

Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,

  
J. Scott Young  
Attorney for Applicants  
Reg. No. 45,582

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GlaxoSmithKline Inc.  
Five Moore Drive, PO Box 13398  
Research Triangle Park, NC 27709  
(919) 483-8160  
fax: (919) 483-7988  
Scott.S.Young@GSK.com